

Introduced by Senator WolkFebruary 21, 2014

An act to amend Section 114276 of the Health and Safety Code, relating to food facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1358, as introduced, Wolk. Food facilities: clean toilet facilities.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities and provides for the enforcement of those standards by local health agencies and by the State Department of Public Health, as specified. Among other sanitation standards, the code requires a permanent food facility to provide clean toilet facilities in good repair for consumers, guests, or invitees if the food facility was constructed after July 1, 1984, and has more than 20,000 square feet of floor space.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114276 of the Health and Safety Code
- 2 is amended to read:
- 3 114276. (a) A permanent food facility shall provide clean
- 4 toilet facilities in good repair for use by employees.
- 5 (b) (1) A permanent food facility shall provide clean toilet
- 6 facilities in good repair for consumers, guests, or invitees when
- 7 there is onsite consumption of foods or ~~when~~ if the food facility

1 was constructed after July 1, 1984, and has more than 20,000
2 square feet of floor space.

3 (2) Notwithstanding Section 113984.1, toilet facilities that are
4 provided for use by consumers, guests, or invitees shall be in a
5 location where consumers, guests, and invitees do not pass through
6 food preparation, food storage, or utensil washing areas to reach
7 the toilet facilities.

8 (3) For purposes of this section, a building subject to paragraph
9 (1) that has a food facility with more than 20,000 square feet of
10 floor space shall provide at least one separate toilet facility for
11 men and one separate toilet facility for women.

12 (4) For purposes of this section, the gas pump area of a service
13 station that is maintained in conjunction with a food facility shall
14 not be considered as property used in connection with the food
15 facility or be considered in determining the square footage of floor
16 space of the food facility.

17 (c) (1) Toilet rooms shall be separated by well-fitted,
18 self-closing doors that prevent the passage of flies, dust, or odors.

19 (2) Toilet room doors shall be kept closed, except during
20 cleaning and maintenance operations.

21 (d) Handwashing facilities, in good repair, shall be provided as
22 specified in Sections 113953 and 113953.3.

23 (e) ~~Any~~ A city, county, or city and county may enact ordinances
24 that are more ~~restrictive~~ *protective of the public health* than this
25 section.

26 (f) (1) Except as provided in paragraph (1) of subdivision (b),
27 any building that is constructed before January 1, 2004, that has
28 a food facility that provides space for the consumption of food on
29 the premises shall either provide clean toilet facilities in good
30 repair for consumers, guests, or invitees on property used in
31 connection with, or in, the food facility or prominently post a sign
32 within the food facility in a public area stating that toilet facilities
33 are not provided.

34 (2) The first violation of paragraph (1) shall result in a warning.
35 Subsequent violations shall constitute an infraction punishable by
36 a fine of not more than two hundred fifty dollars (\$250).

37 (3) The requirements of this section for toilet facilities that are
38 accessible to consumers, guests, or invitees on the property may

- 1 be satisfied by permitting access by those persons to the toilet and
- 2 handwashing facilities that are required by this part.

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